

FILED
CHARLOTTE, NC
OCT 08 2010
U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:10cr11-RJC

UNITED STATES OF AMERICA)	
)	
v.)	CONSENT ORDER FOR
)	THIRD-PARTY PETITION
DARRICK RUSSELL MCQUEEN.)	

THIS MATTER is before the Court by consent of the United States of America, by and through Anne M. Tompkins, United States Attorney for the Western District of North Carolina and Petitioner Ford Motor Credit/Jaguar Credit ("Petitioner"), through counsel, pursuant to Fed. R. Crim. P. 32.2(c). The Government and Petitioner have consented to this Order as a final adjudication and settlement of all matters with regard to the following property (the "Subject Property") listed in the Consent Order and Judgment of Forfeiture filed herein on May 20, 2010:

One 2004 Jaguar, VIN SAJWA71C84SG17864, seized pursuant to this investigation (hereafter, the Subject Property).

The Government and Petitioner have stipulated and agreed and the Court finds as follows:

1. Petitioner is, by signing this Consent Order, asserting an interest secured by a lien on the Subject Property and agreeing that the Court has jurisdiction over the Subject Property.
2. Defendant Darrick Russell McQueen ("Defendant") has or had a legal ownership in the Subject Property that is subject to forfeiture under the applicable statute, except that Petitioner's interest is recognized as identified herein.
3. Any violations of applicable criminal statutes involving the Subject Property occurred without the knowledge and consent of Petitioner.
4. Upon sale by the government of the Subject Property and after the government has

paid all outstanding taxes and expenses of custody and sale, the government shall remit to Petitioner the following amount, but only to the extent that the net proceeds of the sale after deduction for taxes and expenses meets or exceeds the sum of the following amount:

Unpaid balance of \$7,423.13 due to Petitioner as per a letter of Default by Petitioner to the Government and dated June 23, 2010.

5. The payment to Petitioner shall be in full settlement and satisfaction of all claims by Petitioner to the property relating to this forfeiture claim brought by the United States and of all claims resulting from the incidents or circumstances giving rise to this case.

6. Upon payment, Petitioner agrees to assign and convey its security interest to the United States via recordable document and to release and hold harmless the United States, and any agents, servants, and employees of the United States acting in their individual or official capacities, from any and all claims by Petitioner and its agents which currently exist or which may arise as a result of the actions by the United States against the property.

7. Petitioner agrees not to pursue against the United States any other rights that it may have under the title of the vehicle.

8. Petitioner waives any rights to further litigate its interest in the property against the government, and waives its rights to petition for remission or mitigation of the forfeiture. Unless specifically directed by an order of the Court, Petitioner shall be excused and relieved from further participation in this action.

9. Petitioner understands and agrees that the United States reserves the right to, for legal reasons, terminate the forfeiture action at any time and that the United States reserves the right to, for any other reason, terminate the forfeiture action on or before the 90th day after this Court enters this

Consent Order.

10. Petitioner and the government agree to, to the extent necessary, execute further documents to convey clear title to the property to the United States and implement this Consent Order.

IT IS THEREFORE ORDERED THAT:

1. Petitioner's interest is allowed to the extent described above. Upon sale by the government of the Subject Property, the amount of money identified above shall be released to Petitioner in accordance with the terms of this Order.
2. Each party shall bear its own costs, including attorneys fees.

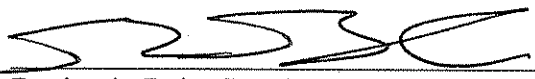
Signed this 8 day of October, 2010.


ROBERT J. CONRAD
UNITED STATE DISTRICT JUDGE

ON MOTION OF AND
BY CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

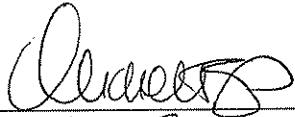
ANNE M. TOMPKINS
UNITED STATES ATTORNEY


Benjamin Bain-Creed
Special Assistant United States Attorney

Dated: Sept. 21, 2010

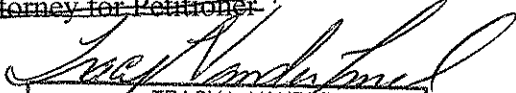
Dated: _____

Petitioner



FMCC SEIZURES / IMPOUND DEPT

~~Attorney for Petitioner~~





TRACY L. VANDER LINDEN
NOTARY PUBLIC -- ARIZONA
PINAL COUNTY
My Commission Expires
DECEMBER 26, 2012

Dated: SEPT 15, 2010